

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-20113-CR-SMITH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAN ROTTA,

Defendant.

**UNOPPOSED MOTION FOR CONTINUANCE OF TRIAL
DATE AND REQUEST FOR STATUS CONFERENCE TO
ADDRESS CONTINUANCE AND OTHER ISSUES**

Dan Rotta (“Rotta”), through undersigned counsel, hereby request that trial in this matter be continued for ten months, and that the Court conduct a status conference to address the requested continuance. The United States does not oppose a continuance or the request for a status conference, but requests that the new trial date be set for October 2024. Thus, to address this and other issues, the parties request a status conference within the next fourteen days. In support, Mr. Rotta states the following:

1. Dan Rotta was indicted on March 21, 2024. [D.E. 33] Mr. Rotta had his initial appearance on March 25, 2024. [D.E. 36]

2. On March 29, 2024, and pursuant to a written Order, trial in this matter was set for May 20, 2024, with a calendar call on May 14, 2024. [D.E. 37]

3. The Indictment in this case contains nineteen (19) counts, including one count of conspiracy, six counts of tax evasion, seven counts of filing a false tax return, one count of a false statement in a document, and two counts of failure to file an information return regarding foreign

bank accounts. [D.E. 36]

4. The indicated conduct is alleged to have occurred “from in or around 2010 through the present,” which is more than thirteen years. [D.E. 36, ¶ 82]

5. Based on the Indictment, the conduct purports to involve substantial conduct outside of the United States and relates to complex financial transactions. [*E.g.*, D.E. 36, ¶ 1 (“concealed millions of dollars . . . in Swiss bank accounts”); ¶ 2 (“created sham trusts”); ¶ 13 (defendant “owned and/or controlled at least two dozen financial accounts in Switzerland between 1985 and 2020. [Defendant] held his accounts using a pseudonym, foreign nominees, and layered ownership structures”).]

6. The indicted conduct also cites foreign nationals that may require overseas trips and/or depositions under Rule 15 to properly investigate. [*E.g.*, D.E. 36, ¶ 20 (defendant “hired Beda Singenberger and his fiduciary firm Sinco Treuhand AG to create the Citaro ownership structure.”)]

7. The indicted conduct also relies, in part, on foreign law. [*E.g.*, D.E. 36, ¶ 12 (recitation of Swiss law requirements)]

8. Put simply, the allegations in the Indictment are complex, lengthy, span more than a decade, and involve foreign transactions, foreign witnesses, and foreign law.

9. As for discovery, it is voluminous. Although discovery has not yet been received, the government anticipates making its initial discovery disclosure this week. The government estimates that the initial disclosure includes more than 170,000 documents, consisting of 635,000 pages.

10. Further, although discovery had not yet been received, it is anticipated that many documents will be in a foreign language, and not English, because of the international nature of

the allegations. Those documents, of course, would require translation.

11. In addition, the government has indicated that it will make a smaller subsequent disclosure within the next three weeks.

12. With regard to the anticipated trial length, the government estimates twenty trial days, or four full weeks for trial. [D.E. 36 at 42.] Counsel for Mr. Rotta cannot estimate trial length because Mr. Rotta has not yet received the discovery.

13. Based on the foregoing, Mr. Rotta cannot be meaningfully prepared for trial by May 20, 2024, and therefore requests a continuance of at least ten (10) months. While that request is significant, Mr. Rotta notes that the discovery in this case is voluminous and will take time to review; the issues are complex and span a significant amount of time, necessitating significant time to prepare. Additionally, the Indictment involves foreign transactions and witnesses that may require international travel to prepare the defense.

14. Mr. Rotta will waive any applicable statutory speedy trial rights from the filing of this Motion to the date of trial.

15. The United States does not object to a continuance, but objects to the length of the requested continuance and requests that trial be set for October 2024.

16. With regard to an October trial date, Mr. Rotta's counsel is set for trial before Judge Altman, in *Deffendall v. Indian River County Sherriff*, 21-14201-CV-Altman on Judge Altman's trial calendar commencing September 9, 2024. Mr. Rotta's counsel expects that matter will take approximately five days to try. Nevertheless, preparation for that matter and trial of that matter would substantially implicate Mr. Rotta's counsel's ability to prepare for this matter if it were set for October.

17. Given the Parties' respective positions, Mr. Rotta's counsel respectfully suggests

that a status conference would be beneficial to set a trial date. In addition to the foregoing, Mr. Rotta notes that the Parties believe that a status conference within the next fourteen days would be helpful to address the continuance, a trial date, and setting other applicable dates, such as dates for filing dispositive, non-*in limine*, motions, dates for the filing of any Rule 15 deposition requests, and dates for submission on any foreign law reliance.

Therefore, Mr. Rotta requests that the Court enter an order continuing trial in this matter and setting a status conference to be held in the next fourteen days. A proposed order is attached as **Exhibit A** for the Court's convenience.

L.R. 7.1(1)(3) Certification

Pursuant to Local Rule 7.01(a)(3), the undersigned certifies that he conferred with United States' counsel on April 5, 2024, who advised that they do not oppose the relief sought herein but oppose any continuance beyond October 2024.

Dated: April 8, 2024

Respectfully submitted,

/s/ Jed Dwyer

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on April 8, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Jed Dwyer

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